

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIAINTERNATIONAL HOUSE OF PANCAKES,
INC., et al.,

No. C 05-1014 SI

ORDER DISMISSING ACTION

Plaintiffs,

v.

AHMET ALI,

Defendant.

Plaintiff franchisor filed an action in this Court seeking a preliminary injunction against defendant franchisee. As plaintiff stated in the complaint, under the terms of the Franchise Agreement, all disputes between the parties must be submitted to arbitration for resolution. See Complaint at ¶ 8. At oral argument the parties agreed that if the motion for preliminary injunction were denied, this Court would no longer have any involvement in the matter. By order dated May 25, 2005, this Court denied plaintiff's motion for preliminary injunction.

The parties now dispute whether this lawsuit should be dismissed or should be stayed pending arbitration. The Court's view is that it should be dismissed. There is nothing pending before this Court at present. If and when the action is resolved by arbitration, either party may, but is not required to, seek judgment upon the arbitration result. Further, such judgment may be sought in "any court having jurisdiction," which could be this court or could be some other, including state court. Thus it is not inevitable that the matter will return to this court at any point in the future.

Accordingly, this action is DISMISSED. Nothing in this dismissal prevents either party from seeking to obtain judgment on any future arbitration award.

IT IS SO ORDERED.

Dated: June 29, 2005

s/Susan Illston

SUSAN ILLSTON

United States District Judge